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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,487	02/07/2002	Edmond P. Guillot	42049/234053	1881

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EXAMINER

SINGH, SUNIL

ART UNIT PAPER NUMBER

3673

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/071,487

Applicant(s)

GUILLOT, EDMOND

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "10" have both been used to designate "L-shaped openings" (see page 5). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of attachment sites spaced along the first rails as called for in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 16 is objected to because of the following informalities: claim 16, "first rails" appears as if they should be --second rails--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 10 rejected under 35 U.S.C. 102(e) as being anticipated by Cornet et al. '804.

Cornet et al. discloses an assembly for construction into a casket bed frame (20) comprising a plurality of elongate flexible members (30), a pair of first rails(24), a pair of second rails (26), a plurality of attachment sites(56), stretcher supports (28).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornet et al..

Cornet et al. discloses the invention substantially as claimed. However, Cornet et al. is silent about the elongated flexible members being corrugated. It would have been considered obvious to one skilled in the art to make the flexible member corrugated since it is well known that corrugated structures are stronger.

8. Claims 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Cornet et al. (US 6434804) in view of Martin or Dunks et al. (US 87273 or 264641).

Cornet et al. discloses an assembly for construction into a casket bed frame (20) comprising a plurality of elongate flexible members (30), a pair of first rails(24), a pair of second rails (26), a plurality of lances (56), stretcher supports (28).

Cornet et al. discloses the invention substantially as claimed. However, Cornet et al. lacks elongated flexible members connected directly at each end to the lances spaced along each of the second rails. Martin and Dunks et al. both teach elongated flexible members connected directly at each end to the lances spaced along each of the second rails (see Figs.1 and 5 respectively). It would have been considered obvious to one of ordinary skill in the art to modify Cornet et al. by attaching both ends of his elongated flexible members directly to the lances spaced along each of the second rails as taught by either Martin or Dunks et al. since such an arrangement would require less parts thus making assembly less time consuming.

With regards to the limitation of the elongated flexible member being corrugated. It would have been considered obvious to one skilled in the art to

make the flexible member corrugated since it is well known that corrugated structures are stronger.

9. Claims 1-2, 4, 5, 6, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornet et al. in view of Sauer (US 6446406)

Cornet et al. discloses the invention substantially as claimed. However, Cornet et al. lacks for the "L-shaped" first rails being received in "L-shaped" openings in the "L-shaped" second rails. Sauer teaches "L-shaped" first rails being received in "L-shaped" openings in "L-shaped" second rails (see Fig. 6). It would have been considered obvious to one of ordinary skill in the art to modify Cornet et al. by substituting the connection as taught by Sauer for the connection disclosed by Cornet et al. since it is an obvious design choice to substitute one known connecting means for another known connecting means. It should be noted that such an arrangement makes the frame less likely to come apart.

With regards to the limitation of the elongated flexible member being corrugated. It would have been considered obvious to one skilled in the art to make the flexible member corrugated since it is well known that corrugated structures are stronger.

With regards to claims 15 and 17, the recited method steps are considered to be obvious in view of the combination as described above.

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10. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornet et al. in view of Sauer as applied to claims 1 and 15 respectively above, and further in view of Martin or Dunks et al..

Cornet et al. (once modified) discloses the invention substantially as claimed.

However, the (once modified) Cornet et al. lacks elongated flexible members connected directly at each end to the attachment sites spaced along each of the second rails. Martin and Dunks et al. both teach elongated flexible members connected directly at each end to the attachment sites spaced along each of the second rails (see Figs.1 and 5 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Cornet et al. by attaching both ends of his elongated flexible members directly to the attachment sites spaced along each of the second rails as taught by either Martin or Dunks et al. since such an arrangement would require less parts thus making assembly less time consuming.

With regards to claim 16, the recited method steps are considered to be obvious in view of the combination as described above.

### ***Conclusion***

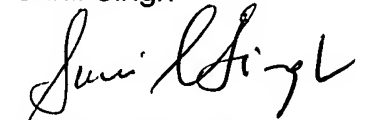
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872--932 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh



Patent Examiner  
Art Unit 3673

SS 

September 4, 2003